

City Council Minutes

February 25, 2002

The Council of the City of Milton-Freewater met in regular session on February 25, 2002 in the council chambers of city hall at 7:00 p.m.

The following members were present: Mayor Lewis Key, Councilors Saager, Widmer, Lyon, Richards (formerly Schneck), Stewart, and Kelley. Staff members present were City Manager Delphine Palmer, Assistant City Manager Linda Hall, Public Works Superintendent Howard Moss and Police Sergeant Darren Richman.

Citizens present were Don Wiggins, Pat Wedin, John Short, Ellen DeGross, Patty Key, Curtis Walter, Keith Woods, Merle Sherman, David Fine, Charlie Good, Pat Thompson, Jim Cline, Shirley Cline, and others.

Representing the press were Mike Shepard of the Union Bulletin, Floyd Jernigan of the East Oregonian, and Jeff Durham of the Blue Mountain Pioneer.

Mayor Key presented a Community Service Award to Shirley Cline for repairing our flag at no charge. Mayor Key said, "I applaud Ms. Cline's community-minded spirit and sense of patriotism towards her community and country. She is a model of citizenship for all of us."

Councilor Kelley moved to approve the consent calendar. Councilor Saager seconded and the motion passed unanimously.

Mayor Lewis Key announced to the audience that this was the time in which citizens could approach the council. None did.

NEW BUSINESS:

Ordinance No. 901, Ordinance Amending City Code 5-6-26 Regarding Electric Code Regulations. Assistant City Manager Linda Hall referred to this as a "housekeeping item" noting that there was a language change needed to the Electric Code that will bring us into line with the current rate schedule adopted and new utility regulations that were adopted last Fall. BPA has changed how they bill us with regard to reactive demand changing from 60 minutes to a 30 minute demand charge. Our rate schedule was changed accordingly and this ordinance would change the code. There is no budget impact and no change to customer's statements.

Councilor Lyon asked if this was only with customers using high demand and Ms. Hall concurred.

Councilor Kelley moved Ordinance No. 901, Ordinance Amending City Code 5-6-26 Regarding Electric Code Regulations, be introduced and full reading waived.

Councilor Richards seconded and a roll call vote was taken: Councilor Saager, yea, Councilor Widmer, yea, Councilor Lyon, yea, Councilor Richards, yea, Councilor Stewart, yea, and Councilor Kelley yea. Motion carried unanimously. The City Manager then read the ordinance by title. Councilor Richards moved to adopt Ordinance No. 901 by title only and full reading waived. Councilor Kelley seconded and the motion carried unanimously. The City Manager read the ordinance by title. Councilor Kelley moved to adopt Ordinance No. 901, Councilor Saager seconded and a roll call vote was taken: Councilor Saager, yea, Councilor Widmer, yea, Councilor Lyon, yea, Councilor Richards, yea, Councilor Stewart, yea, and Councilor Kelley, yea.

Resolution No. 1873 was next on the agenda. Two leased cars used by the Police Department are no longer viable due in part by mileage restrictions and one of the vehicles has a worn-out motor. Only one bid from Ford Motor Company was obtained because the Police Department has required rear-wheel drive vehicles to comply with current driver-training certifications. The Ford sedan is apparently the only vehicle that meets the specification. The Motor Pool does have sufficient cash after passing Resolution No. 1873, which would transfer funds due to unforeseen expenditures which moves \$43,000 from contingency and reserves to vehicle replacement. Staff recommendation is to first adopt Resolution No. 1873 and then approve the bid award to Ford Motor Company.

Councilor Widmer asked where the contingency and reserve fund was coming from. Superintendent of Public Works, Howard Moss stated the contingency and reserve fund was within the vehicle replacement fund and Assistant City Manager Linda Hall stated that this contingency and reserve fund was not under the general fund.

Councilor Widmer further asked about the bottom-line figure for these two cars assuming the addition of light bars and shot-gun racks, etc. Mr. Moss stated that the additional cost would be minimal as existing light bars and shot-gun racks, etc. would be used from the existing vehicles. Councilor Widmer asked what the upcoming fiscal year budget impact would be. Mr. Moss stated he didn't think there would be any. Councilor Lyon asked for an explanation to request rear-wheel drive cars. Sergeant Darrin Richman explained that if they purchased front-wheel drive cars, we would have to send our police personnel for further training. Currently, all personnel are trained in rear-wheel driver operations and they would like to continue this. Sergeant Richman also stated that they planned to replace their leased vehicles with the two this year and possibly one next year. Councilor Richards questioned how the budget looked to replace a vehicle next year. Sergeant Richman said this would mean an increase in next-year's budget.

Councilor Kelley moved to adopt Resolution No. 1873. Councilor Lyon seconded. The motion passed unanimously.

The Bid Award for Police cars was next. Councilor Kelley moved to award the bid for two police cars to Ford of Walla Walla in the amount of \$43,000.00. Councilor Richards seconded the motion. The motion was passed unanimously.

Next on the agenda was Resolution No. 1874, Amending Employee Pay Plan and Adopting Job Description. Staff proposes to reclassify the current "Administrative Services Technician" position in the Finance Department to "Accounting Clerk", changing the current salary scale as shown on Exhibit A of the attached Resolution, and reclassify the current City Manager/Assistant City Manager's Secretary to "Administrative Assistant" and add the duties of clerical support for the Human Resources Department.

Councilor Richards moved to adopt Resolution No. 1874. Councilor Saager seconded and the motion was passed unanimously.

Adoption of Council Goals for Fiscal Year 2003 was next on the agenda. Assistant City Manager Linda Hall reported the council met for an informal work session with Sylvia Rose on February 9, 2002 and agreed upon several goals for Fiscal Year 2003. All of the goals have direct or indirect budgetary impact. Three of the goals will have a positive budget impact due to increased revenues for the City. The goals of funding

the expanded library and planning for the retention of the dispatch center will have serious expenditure budget implications. City Manager Delphine Palmer stated that after council approves their goals, she will then go back to the Department Heads and make specific assignments to accomplish the goals set. Councilor Richards clarified that the next step after adopting the goals would be exploration, not commitment, as we are facing unknown budget impacts. Councilor Widmer questioned where partnering with the school district was grouped into. City Manager Delphine Palmer reported that partnering with the schools was on the last goal session with Paul Koch, not the session with Sylvia Rose.

Councilor Saager moved to formally adopt the goals for Fiscal Year 2003. Councilor Richards seconded the motion. The motion was passed unanimously.

The tabled discussion of the Official Newspaper Designation was next on the agenda. Councilor Widmer stated the decision still had to be made, and that during the last council meeting of February 11th the determination was tabled because City Attorney Doug Hojem was delayed in his response. Councilor Widmer also stated he would withdraw from the vote and would like to withdraw from the discussion as well. Councilor Kelley suggested that Councilor Widmer withdraw his participation due to the controversial nature of the subject. Councilor Stewart stated that if Councilor Widmer had something to say that he should be able to stay. Councilor Widmer suggested he be seated in the audience and be treated accordingly. Councilor Richards declared she would not be enriched financially from her column she writes, but since Mr. Ed Chesnut expressed concern, Councilor Richards declared a potential, but not actual conflict of interest.

Councilor Richards stated that in earlier discussions of the official newspaper, that it was stated that the paper was to be published within the County. Mr. Hojem's letter didn't reveal this. Councilor Richards read the ORS rule which says that notices be published within the County and she would like to follow the letter of the law. Councilor Richards then invited discussion. Councilor Kelley said that the County was only one piece, that the ORS ruling also states "...in City, County, or the jurisdiction of..." Councilor Saager stated that Steps 2 & 3 of the attorney's opinion clarified this question, but Councilor Richards said that Steps 2 & 3 were not accurate. Councilor Richards stated we either follow the ORS or we follow a loose diagram. Councilor Kelley said that the Valley Herald was disqualified due to its non-consecutive publication for twelve (12) months. Councilor Saager said he accepted the fact that the Valley Herald was disqualified, but that he was confused about which paper did qualify. Councilor Saager further stated that we had used both the Walla Walla Union Bulletin as well as the East Oregonian in the past and we had not come under any legal issues. City Manager Delphine Palmer reiterated City Attorney Doug Hojem's view that if looking at just the two (2) papers, Walla Walla Union Bulletin and East Oregonian, the East Oregonian does not have the distribution that the Walla Walla Union Bulletin has. Councilor Richards then stated that circulation was not the defining criteria, but that instead it was additional criteria.

David Fine, a citizen in the audience, stated he did not know how it was open to this council to adopt the Walla Walla Union Bulletin as the newspaper to publish legal notices. He further stated that a City must publish within the County in which it is situated, which would be Umatilla County. In law, a newspaper can only be published

in one place. An example Mr. Fine shared was that the New York Times may have printing plants in New Jersey, Seattle, and six (6) other cities, but it is published in New York City. Michael Shepard of the Walla Walla Union Bulletin said that he had sat through meetings with City Attorney Doug Hojem where it was clarified that the Walla Walla Union Bulletin did indeed qualify to publish legal notices for the City of Milton-Freewater. As Mr. Shepard understands, this has been the opinion of Attorney Doug Hojem from the beginning. Personnel at Walla Walla Union Bulletin have investigated the legalities of publishing legal notices for the City of Milton-Freewater and have found that they do qualify. Councilor Richards asked if there were more than one qualified paper. Mr. Shepard said that the Walla Walla Union Bulletin and Eastern Oregonian both qualified.

Councilor Kelley stated that according to the second page of the letter from City Attorney Doug Hojem the next step to determine a qualified newspaper is to determine that one is a newspaper. Since a City newspaper is not eligible, the closest newspaper to the City is in Walla Walla, Washington where the Walla Walla Union Bulletin is published. The Eastern Oregonian in Pendleton, Oregon is in Umatilla County, but is further away from the City of Milton-Freewater.

City Manager Delphine Palmer stated that previous discussion had determined that the Walla Walla Union Bulletin was more effective because of higher circulation numbers. The Eastern Oregonian qualified too, but its circulation was not as effective.

Councilor Richards stated that circulation was not the first test.

Councilor Richards said that Mr. Hojem had paraphrased and that this paraphrasing was not the letter of the law.

Councilor Saager suggested that both papers submit their cost for publishing.

Councilor Kelley said that cost should not be a deciding factor. Further, she said that City Attorney Doug Hojem had outlined the factors well.

Councilor Widmer stated five (5) attorneys had read the statutes. Three (3) agreed on part of it and two (2) might have agreed on other areas, but there was no agreement between any of them on the entire page of this Oregon statute. Councilor Widmer further read the statute ORS 193.020 and specifically targeted the idea that you cannot file any kind of a lawsuit within the County of Walla Walla. Councilor Widmer further stated that the Oregon statute does not cover circulation figures. Councilor Widmer said that it should be clear that the Eastern Oregonian paper should be the one chosen. Councilor Widmer also compared the Washington statute of RCW 6516.040 with Oregon's.

Councilor Kelley stated that the most important issue was how the citizens of Milton-Freewater would receive their legal notices. Further, Councilor Kelley said that the majority of City residents subscribed to the Walla Walla Union Bulletin. Councilor Widmer suggested that residents of Milton-Freewater looked at the local paper as their "home town" paper. The East Oregonian was used for legal notices when the Valley Times closed down for a period.

Councilor Saager motioned that City Manager Delphine Palmer contact both the East Oregonian and the Walla Walla Union Bulletin and have them submit rates for legal notices, after which the City Manager will have authority to designate to the lowest bidder. Councilor Richards seconded the motion. The motion passed with Councilors

Saager, Lyon, Richards and Stewart voting yes, and Councilor Kelley voting no. Councilor Widmer abstained from the vote due to a conflict of interest. Councilor Saager also motioned that the Council revisit this issue of the official newspaper designation 52 weeks from October 26, 2001. Councilor Richards seconded the motion and it was passed with Councilors Saager, Lyon, Richards and Stewart voting yes and Councilor Kelley voting no. Councilor Widmer abstained citing he will no longer be serving on the council at that time.

MANAGER'S REPORT

The contract for the Supervisory-Tech Bargaining Unit will be ready for council to discuss at the next meeting.

Next week City Manager Delphine Palmer will be reviewing thoroughly each department budget. One of the goals this year is to have no more than two (2) budget meetings. This is what most other cities do and the regulations suggest this as well. With that goal in mind, Ms. Palmer asked if there were any areas that she might target and to let her know before next week.

Assistant City Manager Linda Hall addressed the council about transportation issues. After passing out the handout prepared, Ms. Hall briefly stated that we were still enjoying our oldest service, which was the Senior and Disabled Taxi Program. This program has been supported in the past with serial levies and that these serial levies have never been turned-down by voters. It is not currently supported by a tax levy. In future years Ms. Hall will ask that this be back out on the tax levy.

She continued to report that transportation costs, even programs as small as ours, are continually on the rise. The City has struggled to keep costs down to the patrons as most patrons are on fixed incomes. This cost to the patron is \$1.00 and that has been the same for the last decade and Ms. Hall is not proposing that this be changed in the budgets which City Manager Delphine Palmer will be reviewing next week. This program, however, is dependent on grants and grants grow more competitive each year as they become more difficult to obtain. Ms. Hall has either kept these grants the same or at an increased value, but she also expressed her concerns with funding sources.

The other program is the bus program. This program was abolished at one point, but was revived in 1998. The City contracts with GNAT ENTERPRISE owned by Nate Anglin, to run both of these programs. The ridership on the bus is more expensive to the City as it serves fewer patrons. If one program were to be eliminated due to budget constraints, Ms. Hall suggested it be the bus program.

Both programs cost the City about \$84,500.00 in contract costs alone.

New on the front, Ms. Hall received a telephone call from Vanessa Sabb of Vanessa Services Unlimited of Walla Walla, Washington. Ms. Sabb is working towards implementing a Van Program called "Van Express" which will originate out of Walla Walla, Washington and will then go to Tri-Cities, Pendleton, Milton-Freewater and Dayton. Ms. Sabb's funding is all private, but if she gets this program running, there will be a fixed schedule Monday through Friday and then on holidays and weekends, the program will be on a "dial-a-ride" basis. The purpose of this program is to connect surrounding communities. There is a phone number to contact Ms Sabb for interested parties.

Councilor Richards said that last year council discussed a round-up program and explored monies toward public programs. Ms. Hall said she knew of this and would like to discuss this with the new Finance Director Dave Richmond. Councilor Richards also said she would send information for new grant monies with both Washington and Oregon state to Ms. Hall.

COUNCIL ANNOUNCEMENTS

Councilor Saager said he had received three (3) phone calls and two (2) visits regarding the proposed skate park in Freewater Park. All were opposed to removing the tennis court for the construction of the skate park. They felt a skate park could be built next to the tennis court, but they did not want the tennis court to be removed.

There being no further business council adjourned at 8:10 p.m.

Lewis S. Key, Mayor